Native Hawaiians to practice and to pass on to future generations their cultural identity. The sole element of cultural identity that the United States cannot and will not tolerate is racial discrimination, whether practiced by whites against blacks during Jim Crow or by Native Hawaiians against non-Native Hawaiians today.

Paragraph thirty-four outlandishly asserts that the Apology Resolution is necessary to promote ''racial harmony and cultural understanding.'' Indeed, the Resolution has yielded the opposite by giving birth to the race-based Akaka Bill. As Senator Inouye acknowledged in 1994, Hawaii stands as a shining example of racial harmony and the success of America's legendary ''melting pot.'' [See Appendix page 5 paragraph 2]

Paragraph thirty-five notes an apology by the President of the United Church of Christ for the denomination's alleged complicity in the illegal overthrow of the Kingdom of Hawaii. But not a crumb of evidence in the Blount report or the Morgan report or Queen Liliuokalani's autobiography substantiates the Church's complicity. Further, the overthrow was as legal as was King Kamehameha's creation of the Kingdom by conquest in 1810 or the overthrow of the British colonial government in America by the United States. Finally, the paragraph is silent on the substance of the ''process of reconciliation'' between the Church and Native Hawaiians. [See Appendix page 2 paragraphs 1, 2, 3]

Paragraph thirty-six repeats the false indictment of the overthrow of the Kingdom as ''illegal.'' Congress absurdly expresses its ''deep regret'' to the Native Hawaiian people for bringing them unprecedented prosperity and freedom. As noted above, even Senator Inouye in 1994 conceded the spectacular Hawaiian success story after annexation and statehood. And since the State of Hawaii and Native Hawaiians have never been estranged—Native Hawaiians have invariably enjoyed equal or preferential rights under law—the idea of a need for reconciliation voiced in the paragraph is nonsense on stilts. [See Appendix page 2 paragraph 1]

Section 1, paragraph (1) of the Apology Resolution falsely characterizes the overthrow of the Kingdom of Hawaii as illegal, and falsely insinuates that sovereignty under the Kingdom rested with the Native Hawaiian people to the exclusion of non-Native Hawaiians. As elaborated above, sovereignty rested with the Monarch; and, Native Hawaiians and non-Native Hawaiians were equal in the eyes of the law and popular sovereignty.

Section 1, paragraph (2) ridiculously commends reconciliation where none is needed between the State of Hawaii and the United Church of Christ and Native Hawaiians. [See Appendix page 2 paragraphs 2, 3]

Section 1, paragraph (3) outlandishly apologizes to Native Hawaiians for bringing them the fruits of democracy and free enterprise. It also falsely suggests that Native Hawaiians to the exclusion of non-Natives enjoyed a right to self-determination when in fact all resident citizens of Hawaii were equal under the law.

Section 1, paragraphs (4) and (5) preposterously assert a need for reconciliation between the United States and the Native Hawaiian people when there has never been an estrangement. Indeed, a stunning majority of Native Hawaiians voters supported statehood in 1959 in a plebiscite. [See Appendix page 4 paragraph 3]

## FLAG BURNING AMENDMENT

Mrs. FEINSTEIN. Mr. President, today, we celebrate Flag Day, honoring an enduring symbol of our democracy, of our shared values, of our allegiance to justice, and of those who have sacrificed to defend these principles.

On this day, I renew my support for S.J. Res. 12, a resolution that would let the people decide whether they want a constitutional amendment to protect the American flag.

Many moving images of the flag are etched into our Nation's collective conscience. We are all familiar with the image of marines raising the flag on Iwo Jima, with the New York firefighters raising the flag amid the debris of the World Trade Center and with the large flag that hung over the side of the Pentagon while part of it was rebuilt after 9/11.

It is more than a piece of material to so many of us. For our veterans, the flag represents what they fought for—democracy and freedom. Today there are almost 300,000 troops serving overseas, putting their lives on the line every day fighting for the fundamental principles that our flag symbolizes.

Last December, I traveled to Iraq and met with some of the brave men and women in the Armed Forces who are stationed there. We flew out of Baghdad on a C–130 that we shared with a flag-draped coffin being accompanied by a military escort.

This was very moving. It showed clearly how significant the meaning of the flag is and why protecting it is so important.

In the 1989 case Texas v. Johnson, the Supreme Court struck down a State law prohibiting the desecration of American flags in a manner that would be offensive to others. The Court held that the prohibition amounted to an impermissible content-based regulation of the first amendment right to free speech. Until this case, 48 of the 50 States had statutes preventing burning or otherwise defacing our flag.

After the Johnson case was decided, Congress passed the Flag Protection Act of 1989, which sought to ban flag desecration in a content-neutral way that would withstand judicial scrutiny. Nevertheless, the Supreme Court justices struck down that Federal statute as well.

It is clear that without a constitutional amendment there is no Federal statute protecting the flag which will pass constitutional muster.

S.J. Res. 12 would not ban flag burning. It would not ban flag desecration. This amendment would do one thing only: give Congress the opportunity to construct, deliberately and carefully, precise statutory language that clearly defines the contours of prohibitive conduct.

Some critics say that we are making a choice between trampling on the flag and trampling on the first amendment. I strongly disagree.

Protecting the flag will not prevent people from expressing their points of view. I believe a constitutional amendment returning to our flag the protected status it has had through most of this Nation's history, and that it deserves, is consistent with free speech.

I do not take amending the Constitution lightly. It is serious business and we need to tread carefully. But the Constitution is a living text. In all, it has been amended 27 times.

Securing protection for this powerful symbol of America would be an important, but very limited, change to the Constitution. It is a change that would leave both the flag and free speech safe.

Now it is time to give Americans the opportunity to amend the Constitution for something that we all agree is sacred to so many people all across this country. It is time to let the people decide.

## COMBATING METHAMPHETAMINE EPIDEMIC

Mr. WYDEN. Mr. President, it is clear that legislation is needed to combat the methamphetamine epidemic sweeping my State and much of the country. This drug is destroying the lives of the people abusing it, their families and their communities. For years, the problem has been talked about, but not enough has been done.

To draw attention to Oregon's meth crisis, my colleague Senator SMITH and I will be periodically coming to the Senate floor to talk about the meth problem in our State.

Today, I would like to introduce a recent newspaper article from the Oregonian. The June 1 article describes a police bust of ''a massive methamphetamine lab capable of producing 400,000 doses of pure meth at a time—enough to intoxicate the entire adult population of Portland.'' The bust was one of the largest in Oregon history. This is the good news. The bad news is that this lab had been in business for at least five months—producing and distributing thousands of doses of meth.

Despite successes like this bust, the meth epidemic is getting worse, not better. Congress cannot wait any longer to act—we have a duty to address this crisis now. Enough is enough. It is critical that the Congress pass and the President sign the Combat Meth Act, on which Senator SMITH and I are original cosponsors. We must also fully fund the High Intensity Drug Trafficking Area program and the Byrne Grant program. These initiatives provide much needed reforms and much needed funds, which will help give communities in Oregon and across the Nation the tools they need to fight this terrible problem.

I ask unanimous consent that the full text of the Oregonian article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Oregonian, June 1, 2005]

POLICE BUST METH SUPERLAB

(By Steve Suo)

Oregon police and federal agents have dismantled a massive methamphetamine lab capable of producing 400,000 doses of pure meth at a time—enough to intoxicate the entire adult population of Portland.

Officials said the ''superlab'' was discovered Thursday in the Willamette Valley town of Brownsville. The lab was at a mobile home on a rural, 10-acre property and was capable of producing 90 pounds of pure methamphetamine in a 48- to 72-hour period.

The lab had been in operation for at least five months, according to indictments filed in federal court in Portland.

The find, which U.S. Attorney Karin J. Immergut described as one of the largest labs in Oregon history, was extremely unusual in a number of ways.

U.S. Drug Enforcement Administration officials say superlabs operated by Mexican drug trafficking organizations now produce about 65 percent of all meth sold in the United States. But the number of superlabs seized in the United States has been falling dramatically in recent years. There were 53 seized last year, down from 244 in 2001, according to the DEA. Agency officials say the reason is that Mexican traffickers increasingly are moving their superlabs south of the border.

In Oregon, only a handful of superlabs—defined as a lab capable of producing at least 10 pounds a batch—are uncovered each year, according to Sgt. Joel Lujan of the Oregon State Police drug enforcement section.

''Most of the labs that we're finding are going to be the tweaker labs,'' Lujan said, referring to labs run by meth users for their own consumption. Those labs typically produce less than an ounce of meth at a time.

A single dose of meth is one-tenth of a gram. Ninety pounds of pure meth would make 400,000 doses; if cut to street purity of 50 percent, it would make 800,000 doses.

Drug agents arrested 15 people in connection with the Brownsville case, according to Immergut's office. Most were Mexican citizens living in Salem.

Details of how the investigation unfolded remained sketchy Tuesday. Salem Police Sgt. Pat Garrett, a member of the U.S. Drug Enforcement Administration task force involved in the case, said agents were investigating some of the suspects for several months. Surveillance led agents to the mobile home in Brownsville.

''We had people we believed to be involved in the production of methamphetamine who led us to the lab site,'' Garrett said.

Stains on the walls of the mobile home suggested the lab operators were making meth inside, but much of the lab's equipment and chemicals were in storage outside the home.

In addition to three pounds of finished meth and $195,000 in cash, agents found 150 pounds of iodine and 20 to 30 pounds of red phosphorous. Those chemicals make it possible to convert pseudoephedrine, a common cold remedy ingredient, to methamphetamine.

Garrett said the lab operators had finished their latest batch Wednesday.

''There was no more pseudoephedrine left,'' Garrett said. ''They had done their cook and finished the product and were waiting to do the next cook.''

Five 22-liter flasks, used to create the pseudoephedrine reaction, were found in a nearby rental truck, where they had apparently been stored.

Experts said each 22-liter flask can produce, at most, 15 pounds of meth at a time, for a total of 75 pounds. But Garrett said the lab operators had enough chemicals to make 90 pounds of meth if they ran the flasks simultaneously and replenished some as the reaction unfolded.

Five of the 15 people arrested were charged with conspiracy to manufacture meth. Sonia Violet Garcia, 20, of Brownsville, was arraigned Friday.

Four others, all Salem residents, are scheduled to make initial court appearances today: Arturo Arevalo-Cuevas, 22; Miguel Silva Chava, 26; Venancio Villalobos-Soto, 40; and Adriana Arevalo-Cuevas, 29.

## NATIONAL HISTORY DAY

Mr. SARBANES. Mr. President, I am very pleased today to acknowledge two young Marylanders who were recently chosen to present and display their history projects in Washington, DC, as part of the National History Day program.

A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy. With an eye toward increasing informed participation, National History Day—which as a national program celebrates its 25th anniversary this year—promotes history-related education in Maryland and throughout the Nation. Each year, the program allows students to use critical thinking and research skills and to create exhibits, documentaries and performances related to a particular historical subject. This year, 29 students were chosen from a pool of half a million to display their projects at various sites throughout the Nation's Capital.

Ryan Moore, a student at Mill Creek Middle School in Hughesville, Maryland, used his skills and critical thinking to create a project entitled ''Television: A Key Player in Communicating the Candidate's Message.'' He will display and present his project at the White House Visitor Center.

Lauren White, a student at Plum Point Middle School in Huntington, MD, similarly stood out from the crowd in creating a project entitled ''More Powerful than Words: The Photo Stories of Lewis Wickes Hine.'' She will display and present her project at the Smithsonian American Art Museum.

I congratulate both Lauren and Ryan as they are honored for their presentations, and commend them for their dedication, commitment, and creativity.

## CONFIRMATION OF THOMAS B. GRIFFITH

Mrs. MURRAY. Mr. President, next week we will celebrate the 33rd anniversary of title IX. For 33 years, title IX has opened doors for women and girls in all aspects of education. I can say without reservation that I would not be a U.S. Senator today without this critical law.

Unfortunately, today the Senate confirmed a vehement opponent of title IX—Thomas Griffith—to the U.S. Court of Appeals for the District of Columbia Circuit. I voted against this nominee because of his record on title IX, the importance of the DC Circuit Court of Appeals to title IX and other civil rights laws, and his disregard for the rule of law in his own practice.

In 2002, Mr. Griffith served on the Commission on Opportunity in Athletics to evaluate whether and how current standards governing title IX's application to athletics should be revised. After the Department of Education spent nearly $1 million on the Commission, the Bush administration made the determination to make no changes to title IX in athletics. However, as a member of the Commission, Mr. Griffith made clear his opposition and hostility towards the law and its enforcement.

As a member of the Commission, Mr. Griffith proposed weakening the standard for meeting title IX's 25-year-old requirement of equality of opportunity in athletics for young women through the elimination of the ''substantial proportionality'' test for compliance. This test, one of the three alternative ways to comply with title IX, allows schools to comply by offering athletic opportunities to male and female students that are in proportion to each gender's representation in the student body of the school.

Mr. Griffith claimed this provision constitutes a quota in violation of title IX and the Constitution and asserted that ''[i]t is illegal, it is unfair, and it is wrong'' and even ''morally wrong.'' He made such extreme statements despite the decisions of no fewer than 6 Federal appeals courts which have upheld the legality of the test. In fact, none has ruled to the contrary. And when this fact was pointed out to him, he did not respect the decisions of all the Federal courts that have heard such cases—he said that ''the courts got it wrong.'' Eliminating this test would clearly undercut title IX's effectiveness—and the Commission agreed. It rejected the Griffith proposal by a lopsided vote of 11 to 4.

During his confirmation process, Griffith tried to change his position on title IX. Mr. Griffith now claims that he only wanted to eliminate the proportionality test because some have ''misused'' or ''misinterpreted'' the test. He now claims that the Commission recommendations regarding the proportionality test that he supported—in addition to his own proposal to eliminate the test—were ''modest'' or ''moderate.'' If these claims were so moderate, why were they rejected entirely by the Secretary of Education?

Mr. President, every Federal court of appeals that has considered this issue and every administration since 1979 have ruled that the three-part test is legally valid and does not impose quotas. Mr. Griffith's statements and actions put him in complete opposition to six Federal appeals courts. If that doesn't show that Mr. Griffith is out of the mainstream, I don't know what does.

The DC Circuit Court of Appeals is an especially important court. I believe that we must be careful when confirming individuals to serve lifetime appointments on this court, the second most powerful Federal court in the land. This court has exclusive jurisdiction over a broad array of Federal regulations, including title IX, and is